

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HARLEYSVILLE INSURANCE COMPANY,

Plaintiff,

22 CIVIL 2764 (JLR) (RWL)

-against-

DEFAULT JUDGMENT

CERTIFIED TESTING LABORATORIES INC., et al.,
Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated July 7, 2023, the Court adopts the Report & Recommendation in its entirety, and GRANTS Plaintiffs motion for default judgment. The Clerk of Court is directed to enter default judgment against Defendants Certified Testing Laboratories Inc. and Edgar Tobar and in favor of Plaintiff declaring that (1) Harleysville has no duty to defend or indemnify Certified in connection with the Underlying Action; (2) Harleysville may withdraw from its 50% contribution to the defense of Certified; and (3) Edgar Tobar has no third-party rights, as a beneficiary or otherwise, under the Policy issued to Certified for any award or judgment in relation to the allegations in the Underlying Action. The lack of any timely objections, in light of the clear notice provided in the Report, precludes appellate review of this decision. See Frank, 968 F.2d at 300; Lee, 473 F. Supp. 2d at 436. Accordingly, the case is closed.

DATED: New York, New York
July 10, 2023

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk